

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

ISLAND VIBE CAFE, MORNING STAR STABLES, TBM CONSTRUCTION, MICHAEL JANSSEN, and WILLIAM BAILEY, on behalf of themselves and all others similarly situated,)	No. 4:17-cv-101-D
)	
)	
Plaintiffs,)	
v.)	
)	
PCL CONSTRUCTION ENTERPRISES, INC., and PCL CIVIL CONSTRUCTORS, INC.,)	
)	
)	
Defendants.)	
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MARISSA GROSS d/b/a DOWN CREEK GALLERIES, RHONDA G. DERRING, and ROBERT D. CASE, on behalf of themselves and all others similarly situated,)	No. 4:17-cv-102-D
)	
)	
Plaintiffs,)	
v.)	
)	
PCL CONSTRUCTION SERVICES, INC.,)	
)	
)	
Defendant.)	
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MISS OCRACOKE, INC., STEPHEN J. WILSON, HATTERAS BLUE, INC., STEVEN J. HARRIS, STEVEN WRIGHT, CHARLES EDWARD HOFMANN, and ALEX DANIEL GARRISH, on behalf of themselves and all others similarly situated,)	No. 4:17-cv-103-D
)	
)	
Plaintiffs,)	
v.)	
)	
PCL CONSTRUCTION ENTERPRISES, INC.,)	
PCL CIVIL CONSTRUCTORS, INC.,)	
PCL CONSTRUCTION SERVICES, INC., and)	
PCL CONSTRUCTION RESOURCES (USA) INC.,)	
)	
Defendants.)	

MATTHEW BREVELERI, on behalf of himself and
all others similarly situated,)) No. 4:17-cv-107-D
Plaintiff,)
v.)
PCL CONSTRUCTION ENTERPRISES, INC.)
and PCL CIVIL CONSTRUCTORS, INC.,)
Defendants.)

THOMAS EDGAR, NINA EDGAR, EDWARD)) No. 5:17-cv-445-D
WAAS, and JACK LEWIS, on behalf of themselves)
and all others similarly situated,)
Plaintiffs,)
v.)
PCL CIVIL CONSTRUCTORS, INC.,)
Defendant.)

BRIGGS MCEWAN, LAS OLAS, INC., TRI-V)) No. 2:17-cv-40-D
CONERY, INC., TAMMY LYNETTE GRAY d/b/a)
FAMILY WATER ADVENTURES, DANIEL)
SPAVENTA, KAREN FITZPATRICK, and EDWIN)
FITZPATRICK, on behalf of themselves and all others)
similarly situated,)
Plaintiffs,)
v.)
PCL CIVIL CONSTRUCTORS, INC.,)
PCL CONSTRUCTION ENTERPRISES, INC., and)
PCL CONSTRUCTION SERVICES, INC.,)
Defendants.)

ORDER

On September 26, 2017, plaintiffs in the six above-captioned proceedings filed a motion for interim relief and a motion to consolidate. Plaintiffs have moved the court to enter an interim order staying or extending the existing deadlines in those cases, pending resolution of the underlying motion to consolidate.

Plaintiffs in the following cases join in the motion, and defendants consent. The various deadlines are:

1. Island Vibe Café, et al. v. PCL Construction Enterprises, Inc., et al., No. 4:17-cv-101-D (federal court complaint filed on July 31, 2017).
 - a. Under a waiver of service [D.E. 12], defendants must respond to the complaint by October 2, 2017.
2. Gross d/b/a Down Creek Galleries, et al. v. PCL Construction Services, Inc., No. 4:17-cv-102-D (federal court complaint filed on July 31, 2017).
 - a. Under a waiver of service [D.E. 12], defendant must respond to the complaint by October 13, 2017.
3. Miss Ocracoke, Inc. et al. v. PCL Construction Enterprises, Inc., et al., No. 4:17-cv-103-D (federal court complaint filed on August 2, 2017).
 - a. Under a waiver of service [D.E. 14], defendant must respond to the complaint by October 20, 2017.
 - b. A motion to intervene was filed by proposed plaintiff-intervenor Arch Insurance Company (“Arch”) on September 20, 2017 [D.E. 17]. Plaintiffs and defendant must respond to the motion to intervene by October 11, 2017. See Local Civil Rule 7.1(f)(1).
4. Breveleri, et al. v. PCL Construction Enterprises, Inc., et al., No. 4:17-cv-107-D (federal court complaint filed on August 8, 2017).
 - a. Under a waiver of service [D.E. 7], defendants must respond to the complaint by October 13, 2017.
 - b. Arch filed a motion to intervene on September 20, 2017 [D.E. 11]. Plaintiffs and defendant must respond to Arch’s motion to intervene by October 11, 2017.
5. Edgar, et al. v. PCL Civil Constructors, Inc., No. 5:17-cv-445-D (removed to federal court on September 5, 2017).
 - a. Defendant moved to dismiss under Rule 12 on September 12, 2017 [D.E. 15]. Plaintiffs’ response brief is due by October 3, 2017.
 - b. Arch filed a motion to intervene on September 20, 2017 [D.E. 17]. Responses are due by October 11, 2017.

6. McEwan v. PCL Civil Constructors, Inc., No. 2:17-cv-40-D (removed to Federal Court on September 5, 2017).

- a. Defendant moved to dismiss under Rule 12 on September 12, 2017 [D.E. 10]. Plaintiffs' response brief is due by October 3, 2017.
- b. Arch filed a motion to intervene on September 20, 2017 (Doc. 21). Responses are due by October 11, 2017.

On September 7, 2017, a seventh action, Arch Insurance Co. v. PCL Civil Constructors, Inc., No. 4:17-cv-126-D, raising related issues was filed. The court is advised that Arch Insurance Company is reviewing the motion to consolidate and has not yet determined its position. The court will not suspend the deadlines in that case at this time. The court, however, does suspend the deadline for the relevant parties to respond to Arch's motion to intervene in the Miss Ocracoke, Breveleri, Edgar, and McEwan cases.

For good cause shown, the court hereby orders the following proceedings STAYED pending the disposition of the pending motion to consolidate: Island Vibe Café, et al. v. PCL Construction Enterprises, Inc., et al., No. 4:17-cv-101-D; Gross d/b/a Down Creek Galleries, et al. v. PCL Construction Services, Inc., No. 4:17-cv-102-D; Miss Ocracoke, Inc. et al. v. PCL Construction Enterprises, Inc., et al., No. 4:17-cv-103-D; Breveleri, et al. v. PCL Construction Enterprises, Inc., et al., No. 4:17-cv-107-D; Edgar, et al. v. PCL Civil Constructors, Inc., No. 5:17-cv-445-D; and McEwan v. PCL Civil Constructors, Inc., No. 2:17-cv-40-D.

SO ORDERED. This 29 day of September 2017.

J. Dever
JAMES C. DEVER III
Chief United States District Judge